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09/882,525	06/15/2001	Paul Egli	LS/0016.00	9946

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EXAMINER
RAMPURIA, SATISH

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/882,525	EGLI, PAUL
	Examiner	Art Unit	
	Satish S. Rampuria	2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 September 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-45</u> is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-45</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>09/06/2007</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is in response to the RCE received on 09/06/2007.

2.   Claims pending in the application: 1-45.

Continued Examination Under 37 CFR 1.114

3.   A request for continued examination under 37 CFR 1.114, including the fee

set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since

this application is eligible for continued examination under 37 CFR 1.114, and the

fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous

Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's

submission filed on 09/06/2007 has been entered.

Response to Arguments

4.   Applicant's arguments filed 06/06/2007 have been fully considered but they are

not persuasive.

In the remarks, the applicant has argued that:

Thus, under the CFR and MPEP, Applicant is not required to show the claimed
invention, but rather to show evidence supporting an assertion of a reduction of practice.
As the previously submitted exhibits show, Paul Egli (an inventor named in the
present application) provided documentation that he had reduced the invention to practice on August 9, 2000, which is prior to the
filing date of Rollins (Exhibit A). Furthermore, Paul. Egli provided confirmation that after the invention was reduced to practice, the
invention was tested in October 2000 (Exhibit A). To corroborate and support the assertions of Paul Egli that the invention was both
reduced to practice and tested prior to the effective filing date of Rollins, a copy of Paul Egli's source code log file, for revisions and
the initial check in of AbstractCommandTag.java, was also submitted (Exhibit B). The reproduction of the source code log file, which
is dated January 17, 2001, also predates Rollins (Exhibit B).
Thus, the Applicants have provided in the Affidavit of December 6, 2006, evidence and evidence to corroborate the reduction to
practice (See Exhibits A and B; see also above discussion). Ill each case, the evidence provided by the Applicant predates Rollins.
Applicants submitted the Declaration and associated exhibits as proof that the rejected claims were reduced to practice prior to the
earliest filing date of Rollins cited by the Examiner as prior art in the Office Action mailed August 25, 2006. As a result and as
discussed above, Applicants respectfully request the Examiner to reconsider the declaration of December 4, 2006 and to withdraw
the rejections over Rollins.

Examiner's response:

In response to applicants arguments that under CFR and MPEP, applicant is not required to show the claimed invention, but rather to show evidence supporting an assertion of a reduction of practice. However, CFR 1.131 require that (a) When any claim of an application or a patent under reexamination is rejected, the inventor of the subject matter of the rejected claim, the owner of the patent under reexamination, or the party qualified under §§ 1.42, 1.43, or 1.47, may submit an appropriate oath or declaration to establish invention of the subject matter of the rejected claim prior to the effective date of the reference or activity on which the rejection is based and (b) The **showing of facts shall be such, in character and weight**, as to establish reduction to practice prior to the effective date of the reference, or conception of the invention prior to the effective date of the reference coupled with due diligence from prior to said date to a subsequent reduction to practice or to the filing of the application. Original exhibits of drawings or records, or photocopies thereof, must accompany and form part of the affidavit or declaration or their absence must be satisfactorily explained. And MPEP requires that In general, **proof of actual reduction to practice require a showing that the apparatus actually existed and worked for its intended purpose**. However, "there are some devices so simple that a mere construction of them is all that is necessary to constitute reduction to practice." In re Asahi/America Inc., 68 F.3d 442, 37 USPQ2d 1204, 1206 (Fed. Cir. 1995) (Citing Newkirk v. Lulejian, 825 F.2d 1581, 3USPQ2d 1793 (Fed. Cir. 1987) and Sachs v. Wadsworth, 48 F.2d 928, 929, 9 USPQ 252, 253 (CCPA 1931). The claimed restraint coupling held to be so simple a device

that mere construction of it was sufficient to constitute reduction to practice.

Photographs, coupled with articles and a technical report describing the coupling in

detail were sufficient to show reduction to practice.). Inventor Paul Egli provided

documentations a copy of source code log file and an initial check in of

AbsractCommandTag.java. Simply providing a copy of source code log file and check in

of a. java file does provide the showing of the fact in character and weight. Therefore,

these documents does not show that the claimed invention was reduced to practice

prior to earliest filing date of Rollins and thus, does not predate the reference Rollins.

Further, in response to applicants argument that neither Claussen nor Hakim

teach or suggest "providing a Web application framework, said framework including an

abstract command tag that predefines at least some generic Web application activities;

specifying at least one custom action that is desired to be performed by a Web

application; creating an object oriented programming (OOPL) class that extends the

abstract command tag for providing execution logic for said at least one custom action,

in addition to pre-existing logic that supports said at least some generic Web application

activities, thereby creating a corresponding customized command tag that is capable of

being embedded within a Web page." Applicants did not provide any reasoning behind

how and why these references are not taught by the references Claussen and Hakim. It

is further noted that these limitations are taught by Rollins as previously indicated in the

rejections (e.g. page 3-5 of OA mailed on 3/6/07).

Information Disclosure Statement

5.   An initialed and dated copy of Applicant's IDS form 1449 filed on 09/06/2007

is attached to the instant Office action.

Claim Rejections - 35 USC § 112

6.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

Claim 43 and 44 rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Claim 43 and 44 contains the trademark/trade name ""JVM™". Where a

trademark or trade name is used in a claim as a limitation to identify or describe a

particular material or product, the claim does not comply with the requirements of 35

U.S.C. 112, second paragraph. See Ex parte Simpson, 218 USPQ 1020 (Bd. App.

1982). The claim scope is uncertain since the trademark or trade name cannot be used

properly to identify any particular material or product. A trademark or trade name is

used to identify a source of goods, and not the goods themselves. Thus, a trademark or

trade name does not identify or describe the goods associated with the trademark or

trade name. In the present case, the trademark/trade name is used to identify/describe

[3] and, accordingly, the identification/description is indefinite.

Claim Rejections - 35 USC § 101

7.   35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8.   Claims 21-40 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter.

Claims 21-40 are directed to a web application framework of functional

descriptive material per se, and hence non-statutory. There are no indications or

suggestions in the specification or claims that would associate the recited software

components in the claims with hardware elements of the electronic device (Specification

[0013] and [0061-0066]). The recited components of the claims can reasonably be

interpreted as computer program modules / software per se. Therefore, the claims

constitute computer programs representing computer listings per se. Such descriptions

or expressions of the programs are not physical "things." They are neither computer

components nor statutory processes, as they are not "acts" being performed. Such

claimed computer programs do not define any structural and functional

interrelationships between the computer program and other claimed elements of a

computer, which permit the computer program's functionality to be realized. In contrast,

a claimed computer-readable storage device encoded with a computer program is a

computer element, which defines structural and functional interrelationships between

the computer program and the rest of the computer, that permits the computer

program's functionality to be realized, and is thus statutory. See Lowry, 32 F.3d at 1583-

84, 32 USPQ2d at 1035.

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10.   Claim 1-12, 15, 17-20, 21-32, 35, 37-41, 43, and 44 are rejected under 35

U.S.C. 103(a) as being unpatentable over US Publication No. 2002/0129060 to Rollins

et al. (hereinafter called Rollins) in view of US Patent No. 6,675,354 to Claussen et al.

(hereinafter called Claussen).

Per claims 1 and 41:

Rollins disclose:

- providing a Web application development framework (see the title), said

   framework including an abstract command tag that predefines at least some

   generic Web application activities (page 2, paragraph 15 "based upon an XML

   schema and a set of user customization rules");

- specifying at least one custom action (page 2, paragraph 15 "a set of user

   customization rules") that is desired to be performed by a Web application (page

2; paragraph 15 "produce a set of components that interact to provide a user-

specific... XML document");

- creating an object-oriented programming language (OOPL) class that extends

    the abstract command tag for providing execution logic for said at least one

    custom action (page 3, paragraph 38 "a set of Java classes designed to mediate

    communication between the user and the synchronized tree manager"), in

    addition to pre-existing logic that supports said at least some generic Web

    application activities, thereby creating a corresponding customized command tag

    that is capable of being embedded within a Web page (page 3, paragraph 38 "a

    set of Java classes designed to mediate communication between the user and

    the synchronized tree manager")

- embedding the customized command tag in a Web page of the Web application

    (page 2, paragraph 34 "XML data ... allows access for all users despite

    input/output restrictions").

Rollins does not explicitly disclose upon execution of the Web application including an

embedded customized command tag in a Web page, invoking the customized

command tag for conditionally executing said specified at least one custom action

based on run-time conditions.

However, Claussen discloses in an analogous computer system executing the

Web application, including invoking the customized command tag for conditionally

executing said specified at least one custom action based on run-time conditions (col.

3, lines 31-42 "Upon encountering a custom tag, an appropriate tag handler... is invoked... a tag registration routine is used for recognizing... if the name does not match one of the registered tags, the routing converts the name... If the tag recognition routine recognizes the name... it converts the attributes to the appropriate case... hands the resulting element off to a correct handler for processing").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method to execute the appropriate tag as taught by Claussen into the method of developing web applications as taught by Rollins. The modification would be obvious because of one of ordinary skill in the art would be motivated to implement only those tags which are needed to provide new techniques for publishing Internet content that can fully leverage the manipulation and template mechanism of XSLT with the scripting capability of the JSP/SAP model as suggested by Claussen (col. 3, lines 7-11).

Per claim 2:

- wherein said run-time conditions include run-time parameters specified during invocation of the customized command tag. The limitations in the claims are similar to those in claim 1, and rejected under the same rational set forth in connection with the rejection of claim 1.

Per claim 3:

The rejection of claim 2 is incorporated, and further, Rollins disclose:

- wherein said run-time parameters are specified via Hypertext Transport Protocol (HTTP) parameters, during invocation of the customized command tag (page 1, paragraph 10 "XML... deliver this data by use of the standard HTTP protocol... layer protocol").

Per claim 4:

The rejection of claim 1 is incorporated, and further, Rollins disclose:

- wherein said abstract command tag comprises an abstract base class (page 3, paragraph 38 "user... specify a set of customization rules... the result of code-generation is a set of Java classes...").

Per claim 5:

- wherein said abstract command tag includes an abstract execute method. The limitations in the claims are similar to those in claim 4, and rejected under the same rational set forth in connection with the rejection of claim 4.

Per claim 6:

- wherein said abstract execute method is overridden during creation of the customized command tag, for defining a customized execute method providing specific runtime execution logic for the customized command tag. The limitations in the claims are similar to those in claim 4, and rejected under the same rational set forth in connection with the rejection of claim 4.

Per claim 7:

- wherein creation of the OOPL class that extends the base class includes providing an implementation for the abstract execute method. The limitations in the claims are similar to those in claim 4, and rejected under the same rational set forth in connection with the rejection of claim 4.

Per claim 8:

The rejection of claim 1 is incorporated, and further, Rollins does not explicitly disclose wherein said customized command tag includes an ability to conditionally affect application flow based on results obtained from a specified action.

However, Claussen discloses in an analogous computer system wherein said customized command tag includes an ability to conditionally affect application flow based on results obtained from a specified action (col. 3, lines 31-42 "Upon encountering a custom tag, an appropriate tag handler... is invoked... a tag registration routine is used for recognizing... if the name does not match one of the registered tags, the routing converts the name... If the tag recognition routine recognizes the name... it converts the attributes to the appropriate case... hands the resulting element off to a correct handler for processing").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method to execute the appropriate

tag as taught by Claussen into the method of developing web applications as taught by

Rollins. The modification would be obvious because of one of ordinary skill in the art

would be motivated to implement only those tags which are needed to provide new

techniques for publishing Internet content that can fully leverage the manipulation and

template mechanism of XSLT with the scripting capability of the JSP/SAP model as

suggested by Claussen (col. 3, lines 7-11).

Per claim 9:

- wherein application flow is affected by routing to a particular Web page. The

    limitations in the claims are similar to those in claim 8, and rejected under the

    same rational set forth in connection with the rejection of claim 8.

Per claim 10:

- wherein said result obtained is either success or failure. The limitations in the

    claims are similar to those in claim 8, and rejected under the same rational set

    forth in connection with the rejection of claim 8.

Per claim 11:

- wherein application flow is directed to a first page if a success is obtained as the

    result, and is directed to a second page if a failure is obtained as the result. The

    limitations in the claims are similar to those in claim 8, and rejected under the

    same rational set forth in connection with the rejection of claim 8.

Per claims 12 and 15:

The rejection of claim 8 is incorporated, and further, Rollins disclose:

- wherein said application flow includes routing to a different page than is
  currently displayed in a user's browser (page 3, paragraph 36 "generating
  multiple customizable interfaces for XML documents").

Per claims 17 and 18:

The rejection of claim 1 is incorporated, and further, Rollins disclose:

- wherein said customized command tag is invoked when an end user activates a
  link that points to a Web page containing the customized command tag (page 3,
  paragraph 48 "The Renderer defines the concept of a cursor... of the registered
  mediators should be rendering the portion of the tree pointed to by the cursor.
  When the cursor is moved, the new view of the tree should be rendered... a
  mediator will have to move the cursor more than one time to achieve the desired
  view...").

Per claim 19:

The rejection of claim 1 is incorporated, and further, Rollins does not explicitly disclose
wherein said Web page containing the customized command tag comprises a JSP
(JavaServer Page) compatible page.

However, Claussen discloses in an analogous computer system wherein said

Web page containing the customized command tag comprises a Web page generated

using dynamic scripting capability (col. 6, lines 18-20 "custom tags are registered

through an XML... according to JSP 1.0 specification").

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to incorporate the method of using JSP compatible

page as taught by Claussen into the method of developing web applications as taught

by Rollins. The modification would be obvious because of one of ordinary skill in the art

would be motivated to implement only those tags which are needed to provide new

techniques for publishing Internet content that can fully leverage the manipulation and

template mechanism of XSLT with the scripting capability of the JSP/SAP model as

suggested by Claussen (col. 3, lines 7-11).

Per claim 20:

The rejection of claim 1 is incorporated, and further, Rollins does not explicitly disclose

compiling the Web page generated using dynamic scripting capability into a servlet, said

servlet corresponding to said created OOPL class that extends the abstract command

tag.

However, Claussen discloses in an analogous computer system compiling the

JSP-compatible page into a servlet, said servlet corresponding to said created Java

class that extends the abstract command tag (Fig. 2 and col. 6, lines 14-18 "routine

continues... to gather all jsp:directives.page tags to ensure a consistent state.. jsp tag

libraries (which provide support for JSP 1.0 mechanism)").

The feature of compiling the JSP-compatible page into a servlet would be

obvious for the reasons set forth in the rejection of claim 1.

Claims 21-32, 35, and 37-40 are the system claims corresponding to method claims 1-

12, 15, and 17-20 respectively, and rejected under the same rational set forth in

connection with the rejection of claims 1-12, 15, and 17-20 respectively, above.

Per claim 43:

- wherein said set of OOPL classes run in a Java Virtual Machine (JVM™),

    wherein the JVM™ is an interpreter that interprets OOPL bytecodes into

    machine code. The limitations in the claims are similar to those in claim 19, and

    rejected under the same rational set forth in connection with the rejection of

    claim 19.

Per claim 44:

- wherein said JVM™ is running at a Web server site. The limitations in the claims

    are similar to those in claim 19, and rejected under the same rational set forth in

    connection with the rejection of claim 19.

11.   Claims 13, 14, 16, 33, 34, 36, 42, and 45 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Rollins and Claussen in view of US Patent No. 6,760,748 to

Hakim (hereinafter called Hakim).

Per claims 13 and 42:

The rejection of claim 1 is incorporated, and further, neither Rollins nor Claussen

disclose wherein said generic Web application activities include error recording.

However, Hakim discloses in an analogous computer system wherein said

generic Web application activities include error recording (col. 44, lines 38-39 "station

sample link conditions if 'Roaming' is enabled, transmission errors are recorded").

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to incorporate the method of recording errors for the

network activities as taught by Hakim into the method of developing web application as

taught by the combination system by Rollins and Claussen. The modification would be

obvious because of one of ordinary skill in the art would be motivated to record the

errors to provide the appropriate feedback for different types to of questions as

suggested by Hakim (col. 2 and 3, lines 58-67 and 1-14).

Per claims 14, 16, and 45:

The rejection of claim 1 is incorporated, and further, neither Rollins nor Claussen

disclose wherein said generic Web application activities include filtering of requests.

However, Hakim discloses in an analogous computer system wherein said

generic Web application activities include filtering of requests (col. 29, lines 40-43 "With

the addition of optional components (plug-ins), it is possible to extend their functionality to perform detailed content filtering, report generation").

The feature of filtering the requests would be obvious for the reasons set forth in the rejection of claim 13.

Claims 33, 34, and 36 are the system claims corresponding to method claims 13, 14, and 16 respectively, and rejected under the same rational set forth in connection with the rejection of claims 13, 14, and 16 respectively, above.

Conclusion

12.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Satish S. Rampuria** whose telephone number is **(571) 272-3732**. The examiner can normally be reached on **8:30 am to 5:00 pm** Monday to Friday except every other Friday and federal holidays. Any inquiry of a general nature or relating to the status of this application should be directed to the **TC 2100 Group receptionist: 571-272-2100**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wei Y. Zhen** can be reached on **(571) 272-3708**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

MARY STEELMAN
PRIMARY EXAMINER